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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,971	06/29/2001	Ronald Campbell Allan	AUS920010275US1	9258

35525 7590 12/15/2004

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EXAMINER

NGUYEN, DUSTIN

ART UNIT PAPER NUMBER

2154

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/895,971

**Applicant(s)**

ALLAN, RONALD CAMPBELL

**Examiner**

Dustin Nguyen

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1 – 18 are presented for examination.

#### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 5, 6, 11, 12, 17 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- A. The following terms lack antecedent basis:

- |     |                   |   |                   |
|-----|-------------------|---|-------------------|
| I.  | one server        | - | claims 5, 11, 17  |
| II. | the other servers | - | claims 6, 12, 18. |

#### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Killian [ US Patent No 6,438,592 ], in view of Farber et al. [ US Patent No 6,185,598 ].

6. As per claim 1, Killian discloses the invention substantially as claimed including a method for service time analysis in a computer network, comprising:

receiving a request from a network client machine for an electronic document [ col 2, lines 26-28; and col 3, lines 26-31 ] and recording an initial time value for the request [ col 10, lines 56-61 ];

forwarding the request to an origin server [ i.e. send, relay ] [ col 2, lines 29-32; and col 8, lines 10-14 ] and receiving a response stream containing the electronic document from the origin server [ col 2, lines 36-41; and col 8, lines 14-18 ];

sending the response stream to the client machine [ col 3, lines 31-33 ], wherein the response stream is instrumented [ col 3, lines 34-63 ];

receiving a uniform resource identifier (URI) request from the client machine [ col 1, lines 26-39 ], and recording a service time value for completing the request for the electronic document [ col 9, lines 12-35 ];

forwarding the URI request to the origin server and receiving a URI response from the origin server [ col 8, lines 7-26 ];

updating the service time value [ col 4, lines 59-62; and col 30, lines 54-67 ]; and

sending the URI response to the client machine [ col 3, lines 31-33 ].

Killian does not specifically disclose

wherein the request is for a resource embedded within the electronic document.

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Farber discloses

wherein the request is for a resource embedded within the electronic document [ col 16, lines 66-67; and col 17, lines 23-37 ].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Killian and Farber because Farber's teaching of embedded resource would allow the system of Killian to dynamically collect and display information at the same time from multiple sources without the need to know the specific location of the resources which provides an increase in processing time.

7. As per claim 2, Killian discloses a key/value table, wherein the key is a cookie in a request header [ col 3, lines 40-46 ] and the value is a time stamp signifying the service time for a request [ col 11, lines 1-19 ].

8. As per claim 3, Killian discloses wherein the instrumented response stream further comprises:

the initial time value of the request [ i.e. startTimer function ] [ col 11, lines 7-19 ]; and service time taken for the origin server to respond [ i.e. total time ] [ col 17, lines 63-67 ].

9. As per claim 4, Killian does not specifically disclose wherein all steps are performed by a single reverse proxy server. Farber discloses wherein all steps are performed by a single reverse proxy server [ col 8, lines 54-62 ]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Killian and Farber because

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Farber's teaching of reverse proxy server would allow the system of Killian to perform other additional function such as load balancing on the servers so network congestion can be greatly reduced.

10. As per claim 5, Farber discloses wherein the steps are performed by multiple reverse proxy servers [ col 3, lines 60-64; and col 8, lines 54-62 ], wherein one server acts as the controlling quality-of-service monitor and the other servers are subordinate to the controlling monitor [ i.e. master ] [ col 11, lines 38-54 ].

11. As per claim 6, Farber discloses

the controlling monitor sends a sample-on command to the subordinate servers [ i.e. redirect ] [ col 8, lines 49-53 ]; in response to the sample-on command, the subordinate servers record service time metrics for request transactions [ i.e. log ] [ col 9, lines 9-13 ];

the controlling monitor sends a sample-off command to the subordinate servers; in response to the sample-off command, the subordinate servers send their respective service time records to the controlling monitor [ i.e. collect ] [ col19, lines 36-46 ]; and

the controlling monitor analyzes and reorganizes the service time records from the subordinate servers into a single record [ i.e. merge ] [ col19, lines 28-33 ].

12. As per claims 7-12, they are program product claimed of claims 1-6, they are rejected for similar reasons as stated above in claims 1-6.

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13. As per claims 13-18, they are apparatus claimed of claims 1-6, they are rejected for similar reasons as stated above in claims 1-6.

14. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (703) 305-5321. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached at (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dustin Nguyen

Examiner

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 JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100